

U.S. Patent Application No. 10/628,322
Amendment dated November 10, 2005
Reply to Office Action of August 12, 2005

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

Claim 1 has been amended. Full support for the amendment to claim 1 can be found throughout the present application, including the examples as originally filed, and, in particular, pages 10 and 11 of the present application that describe an effective amount. Further, claim 1 has been amended to limit the compounds to 20(S)-camptothecin or 9-nitro-20(S)-camptothecin or mixtures thereof. By way of this amendment, claims 1, 4, and 7-19 are pending. Since no questions of new matter should arise, entry of this amendment is respectfully requested.

At page 2 of the Office Action, the Examiner rejects claims 1, 4, 7, and 9-19 under 35 U.S.C. §112, first paragraph. The Examiner asserts that the specification enables treatment with oral administration of 20(S)-camptothecin or 9-nitro-20(S)-camptothecin at the various dosages, but does not provide enablement for treating a malignant tumor with the remaining compounds. For the following reasons, this rejection is respectfully traversed.

While the applicants do not entirely agree with the Examiner on this rejection, to expedite the prosecution of this application, and in view of the comments made by the Examiner, claim 1 specifies the two particular compounds which the Examiner has stated are enabled by the present application. For this reason, this rejection should be withdrawn.

At page 5 of the Office Action, the Examiner rejects claims 1, 4, 7, and 9-19 under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner asserts that claim 1 is indefinite by the phrase "a dose lower than 1.5 mg/kg/day." The Examiner believes that this language could be interpreted as a dose of 0 mg/kg/day. For the following reasons, this rejection is respectfully traversed.

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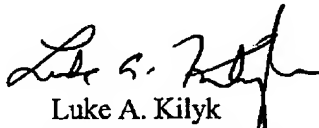
To address the Examiner's concerns, claim 1 has been amended to recite that the dose is at least an effective amount as stated in claim 1. Accordingly, claim 1 is even more definite by way of this amendment. For these reasons, this rejection should be withdrawn as well.

CONCLUSION

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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